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Robert Chassagnon

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EXAMINER

MAKI, STEVEN D

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## ADVISORY ACTION ATTACHMENT

### **new issues**

In claim 1, adding --the at least one base mix is free of an unsaturated C12-C22 fatty ester-- at line 15 is a new issue.

It is noted that the change at line 10 of claim 1 does not raise a new issue.

### **remarks**

With respect to claim 1, applicant's arguments are directed to the new issue. It is noted that the examiner did not propose amending claim 1 by adding --the at least one base mix is free of an unsaturated C12-C22 fatty acid ester--. The examiner's comments at pages 9-10 of the last office action dated 5-11-10 were the examiner's response to applicant's argument that there is no teaching or suggestion in Japan 935, Japan 311 or Hausmann to add a fatty acid ester to a covering mix *instead of* a proposal to amend claim 1 by adding --the at least one base mix is free of an unsaturated C12-C22 fatty acid ester--.

Applicant's arguments regarding claim 7 are not persuasive since (1) Japan 701 fairly teaches a tread comprising the combination of a "covering mix" 3 comprising butyl rubber and a "base mix" 1 which is devoid of butyl rubber and (2) the secondary art to Japan 935, Japan 311 or Hausman render obvious adding an unsaturated C12-C22 fatty acid ester type to a covering mix which is part of "the tread". Japan 935, Japan 311 and Hausman are not limited to using an unsaturated C12-C22 fatty acid ester type with butyl rubber. Japan 935, Japan 311 and Hausmann establish a reasonable expectation of success for using a plasticiser of an unsaturated C12-C22 fatty acid ester

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type when butyl rubber is used (as in the "covering mix" in Matsumoto et al and Japan 701), but do not require using butyl rubber.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven D. Maki whose telephone number is (571) 272-1221. The examiner can normally be reached on Mon. - Fri. 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on (571) 272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Steven D. Maki/  
Primary Examiner, Art Unit 1791

Steven D. Maki  
September 26, 2010